United Nations CRC/C/TZA/CO/3-5

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined third to fifth periodic reports of the United Republic of Tanzania*

I. Introduction

1. The Committee considered the third to fifth combined periodic reports of the United Republic of Tanzania (CRC/C/TZA/3-5) at its 1,944th and 1,946th meetings (see CRC/C/SR.1944 and 1946), held on 15 and 16 January 2015, and at its 1,983rd meeting, held on 30 January 2015, adopted the following concluding observations.

2. The Committee welcomes the submission of the third to fifth combined periodic reports of the State party and the written replies to the list of issues (CRC/C/TZA/Q/3-5/Add.1), which provided a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee notes with appreciation the ratification of:

(a) The Convention on the Rights of Persons with Disabilities and its Optional Protocol (November 2009);

(b) The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (March 2007).

4. The Committee welcomes the adoption of the following legislative measures:

(a) The Children's Act (Zanzibar, 2011);

(b) The Law of the Child Act (Mainland, 2009);

(c) The HIV/AIDS (Prevention and Management) Act (Zanzibar, 2013) and the HIV and AIDS Prevention and Control Act (Mainland, 2008);

* Adopted by the Committee at its sixty-eighth session (12-30 January 2015).

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(d) The Persons with Disabilities Act and its accompanying Persons with Disabilities (General) Regulations (2012), and the Law on Disability (Zanzibar, 2006).

5. The Committee also welcomes a number of institutional and policy measures, including:

(a) The New Education and Training Policy (2014) and the National Strategy on Inclusive Education (2009-2017);

(b) The establishment of the National Gender Based Violence Committee (Zanzibar) and the Roadmap on Violence against Children and Gender Based Violence (2014-2016);

(c) The Five Year Strategy for the Progressive Reform of Child Justice (2013-2017);

(d) The establishment of child protection teams at the district and ward levels and the Multi-Sector National Plan of Action to Prevent and Respond to Violence against Children (2012-2015);

(e) The National Disability Mainstreaming Strategy (2010-2015) and the Policy on Disability (Zanzibar 2010).

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

6. **The Committee recommends that the State party take all necessary measures to address the previous recommendations, made in 2006 (see CRC/C/TZA/CO/2), that have not yet been sufficiently implemented, in particular those relating to resources for children (para. 17), birth registration (para. 31), corporal punishment (para. 34), harmful practices (para. 51) and juvenile justice (para. 70).**

Legislation

7. The Committee notes the status of the constitutional reform process and the information according to which further legislative changes to improve the promotion and protection of human rights in the State party will be introduced once the Constitution is approved. Nevertheless, the Committee reiterates its concern that certain laws do not fully comply with the principles and provisions of the Convention and hinder the full realization of children's rights in the State party, notably the Law of Marriage Act, 1971 (Rev. 2002), chapter 16 of the Penal Code and the laws on inheritance.

8. **The Committee encourages the State party to create an appropriate legal framework ensuring that all laws are in compliance with the provisions of the Convention. The Committee therefore urges the Government to reform existing legislation and to strengthen the protection of children's rights.**

Comprehensive policy and strategy

9. The Committee welcomes the various national plans, policies and strategies adopted by the State party on thematic areas of children's rights. However, it is concerned about the low rate of implementation, which is mainly due to the insufficient resources allocated.

10. **The Committee encourages the State party to ensure the effective implementation of the existing strategies addressing children's issues, including through the provision of sufficient human, technical and financial resources.**

Coordination

11. While welcoming the numerous efforts to enhance the implementation and coordination of action plans and strategies relating to children's rights, the Committee reiterates its concern (CRC/C/TZA/CO/2, para. 10) that there is no single coordinating body in the State party, that children's rights are not Union matters, and that the approach to the implementation of the Convention is not uniform in the two parts of the Union. In Tanzania Mainland, the Committee is particularly concerned about the insufficient clarity in the mandates and roles of the different ministries, departments and entities at the regional and district level responsible for coordination. It is further concerned that, in both the Mainland and Zanzibar, the limited resources allocated to ensuring coordination of children's rights lead to gaps and duplication.

12. **The Committee urges the State party to establish an appropriate body at a high interministerial level with a clear mandate and sufficient authority to coordinate all sectors relevant to the implementation of the Convention, at the national, regional and local levels The State party should ensure that this coordinating body is provided with the necessary human, technical and financial resources to operate effectively.**

Allocation of resources

13. The Committee notes the State party's commitment to annually increase its budget allocation for children. However, the Committee expresses its concern that there is no specific budget allocation for children or for the implementation of the Convention and its Optional Protocols in the State party. The Committee is also concerned that the economic growth resulting from, for instance, the extractive industries, has not led to increased investment in children and that the State party continues to over-rely on donor funding.

14. **The Committee recommends that the State party:**

(a) Prioritize and substantially increase the budgetary allocations in the social sectors, taking into account its population growth, to ensure implementation of the economic, social and cultural rights of children, in particular with regard to the improvement of health-care services, and the education and protection of vulnerable groups of children;

(b) Establish a child rights-based budgeting process which specifies the necessary financial allocations for the relevant sectors, agencies and vulnerable groups of children and includes a tracking system;

(c) Establish a mechanism to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention.

Data collection

15. The Committee welcomes the efforts made by the State party towards introducing a central management information system in the context of the Tanzania Statistical Master Plan. Nevertheless, the Committee reiterates its concern over the absence of a centralized data collection system (CRC/C/TZA/CO/2, para. 18), as well as over the deficiencies in compiling, analysing and processing data relating to the rights of the child.

16. **The Committee urges the State party to expeditiously improve its data-collection system. The data should cover all areas of the Convention and should be**

disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability, and should be used for the formulation, monitoring and evaluation of laws, policies and programmes.

Independent monitoring

17. The Committee notes with appreciation the continuing work of the Special Desk for Children's Affairs within the Commission for Human Rights and Good Governance. Nevertheless, the Committee reiterates its concern about the Special Desk's limited human and financial resources (CRC/C/TZA/CO/2, para. 14). It is also concerned that its work does not cover the whole territory of the State party, which has implications for, among other things, the accessibility and the awareness-raising efforts of the Special Desk.

18. **The Committee reiterates its previous recommendation that the State party ensure human and financial resources for the effective functioning of the Special Desk for Children's Affairs (CRC/C/TZA/CO/2, para. 15). It also recommends that the State party seek technical cooperation from, for instance, the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the United Nations Development Programme.**

Dissemination and awareness-raising

19. The Committee welcomes the dissemination of a child-friendly version of the Convention in English and Kiswahili. However, the Committee notes with concern the limited scope and coverage of the training and awareness-raising programmes, including campaigns, and the limited dissemination of the Law of the Child Act and the Children's Act.

20. **The Committee recommends that the State party:**

(a) Increase its efforts to widely disseminate the principles and provisions of the Convention, and ensure that dissemination efforts reach, inter alia, parents, the public at large and, in particular, children themselves;

(b) Involve local communities in its programmes in order to prevent and combat harmful practices that impede the implementation of the Convention;

(c) Undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children.

Children's rights and the business sector

21. The Committee welcomes information on the efforts by the State party to ensure that business-sector investment has a positive impact on local communities. However, the Committee is concerned that private investment, particularly in the exploitation of natural resources, does not necessarily always benefit the local communities and brings harmful consequences for families and children, such as the economic exploitation of children for sex and labour and their exposure to harmful substances. The Committee notes the lack of information on any regulatory framework regarding the social and environmental responsibility of business corporations and industries, both national and international, to prevent the possible negative impact of their activities on children.

22. **In the light of its general comment No. 16 (2013) on the impact of the business sector on children's rights, the Committee recommends that the State party:**

(a) Establish clear regulations and a nationwide legislative framework, including through the signing of agreements between private enterprises and the State

party at the local level, requiring companies domiciled or operating in the State party to adopt measures to prevent and mitigate adverse impacts of their operations in the country on children's rights;

(b) Require companies to undertake child-rights assessments and consultations, and full public disclosure of the environmental, health-related and child-rights impacts of their business activities, and their plans to address such impacts, and promote the inclusion of child-rights indicators and parameters for reporting;

(c) Be guided by the United Nations "Protect, Respect and Remedy" Framework, accepted unanimously in 2008 by the Human Rights Council, while implementing these recommendations.

B. Definition of the child (art. 1 of the Convention)

23. The Committee is concerned that the minimum age for marriage is set at 18 for boys and 15 for girls and that exceptions for marriage at even younger ages for boys and girls are possible.

24. **The Committee encourages the State party to revise its legislation in order to ensure that the minimum age for marriage is established as 18 for both girls and boys, and to take all necessary measures to eliminate child marriages, in line with the State party's obligations under the Convention and the African Charter on the Rights and Welfare of the Child.**

C. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

25. While noting the anti-discriminatory provisions contained in the laws of the State party, the Committee reiterates its concern (CRC/C/TZA/CO/2, para. 27) that discrimination against certain groups of children still exists, in law and in practice, particularly against pregnant teenage girls and teenage mothers (in the Mainland), children with albinism, children with disabilities, children infected with or affected by HIV/AIDS and children living on the streets. It also notes with concern that almost no systematic measures have been undertaken, including with religious leaders, opinion makers and the mass media, to combat and change the discriminatory laws, attitudes and practices.

26. **The Committee reiterates its previous recommendation (CRC/C/TZA/CO/2, para. 27) and urges the State party to continue revising all its legislation in order to bring it into full compliance with article 2 of the Convention, and to ensure the full implementation of all legal provisions. The Committee reiterates its recommendation to the State party that it carry out comprehensive public-education campaigns to prevent and combat all forms of discrimination.**

Best interests of the child

27. The Committee notes that the right of the child to have his or her best interests taken as a primary consideration is explicitly set out in the Law of the Child Act and the Zanzibar Children's Act. Nevertheless, the Committee is concerned that this right is not adequately applied or interpreted by legislative bodies and therefore is not incorporated in policies and programmes concerning children. The Committee is also concerned at the lack of awareness of this right among the general public, including traditional and religious leaders and government officials.

28. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that concern affect children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving those interests due weight as a primary consideration.**

Right to life, survival and development

29. While noting the "campaign on violence against women, children and people with albinism conducted throughout the country", the Committee is nevertheless extremely alarmed about the killings of children with albinism, including for ritual purposes, and their social exclusion in the State party. It is seriously concerned that the root causes of the violence, including murder, mutilations and trafficking of body parts, are insufficiently addressed, that prosecution of offenders is hampered by fear and the reported complicity of some State authorities, and that children with albinism have been placed in boarding schools/shelters for children with special needs.

30. The Committee is further concerned about reports that these shelters, while offering immediate protection, are not temporary as originally intended and are unhygienic, overcrowded, and have limited human and financial resources. Children placed in these boarding schools/shelters are separated from their families and segregated from their community. The Committee also notes with concern reports that children with albinism in these shelters are punished, especially by prolonged exposure to the sun, leading to the rapid development of skin cancer. They are also subjected to threats and even to sexual abuse.

31. **The Committee urges the State party to adopt without delay a comprehensive strategy, including awareness-raising, especially in the most affected areas, targeting "witch doctors", to fully ensure the immediate and long-term protection of children with albinism and address the root causes of the violence they suffer. It also urges the State party to expedite the investigation and prosecution of all cases involving children with albinism so that no perpetrator can escape with impunity, and provide the victims with rehabilitation and redress. The Committee encourages the State party to review its policy of placing children with albinism in boarding schools. It also recommends that the State party take all necessary measures to find the families of those children who have been placed in such shelters and reunite the children with their families, when this is in the best interests of the child.**

Respect for the views of the child

32. The Committee notes with interest the existence of children's clubs and student councils to promote the participation of children. However, it is concerned about the scarcity of information on these councils in rural and remote areas and the involvement of and outreach to children in vulnerable situations. The Committee is also concerned that the views of the child are rarely taken into account in decisions made by families and in administrative and judicial proceedings.

33. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party take measures to strengthen this right. It also recommends that the State party conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children in all matters that concern them in the family, community, school or**

other settings, with particular attention to girls and to children in vulnerable situations.

D. Civil rights and freedoms (arts. 7, 8 and 13-17)

Birth registration

34. The Committee notes with appreciation the measures taken by the State party to increase birth registration, including the Under-Five National Birth Registration Strategy and the 6-18 Birth Registration Initiative. It also welcomes the information provided by the State party's delegation that local authorities at the ward level have been mandated to register children. However, the Committee remains concerned at the low number of births registered, especially in rural areas. In particular, the Committee notes with concern that:

(a) Financial resources allocated to carry out birth-registration initiatives are still insufficient;

(b) The high costs relating to obtaining birth certificates, particularly in rural areas, remain obstacles for many families;

(c) The use of mobile registration, and the organization of public-awareness measures on the importance of birth registration, remain inadequate.

35. **The Committee reiterates its previous recommendation (CRC/C/TZA/CO/2, para. 32) and recommends that the State party:**

(a) Equip decentralized government authorities at the local level and health facilities to register births and issue birth certificates;

(b) Allocate sufficient funds for strengthening birth-registration initiatives;

(c) Provide birth registration and issue birth certificates free of charge for children under 5 years of age;

(d) Strengthen and expand mobile birth registration to reach universal coverage, in particular for registering children born outside of health facilities and children who have never been registered;

(e) Increase public awareness of the importance of birth registration and the process by which births are registered.

E. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39)

Corporal punishment

36. The Committee welcomes measures to review the Education Act (Mainland) so as to remove corporal punishment in school settings and move towards its abolishment. Nevertheless, the Committee reiterates with concern that corporal punishment, including caning, remains widely practised. In particular, the Committee notes with serious concern that provisions in the legislation condone corporal punishment for "justifiable correction" in schools, provided that it is carried out by the head teacher, and for parents to discipline their children "provided it does not lead to injury".

37. **With reference to the Committee's general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee reiterates its previous recommendations (CRC/C/TZA/CO/2, para. 34) and urges the State party to:**

(a) Repeal or amend, as needed, all legislation in order to explicitly prohibit corporal/physical punishment in all settings as "justifiable" correction or discipline, including provisions contained in the Law of the Child Act (2009), the Children's Act (2011), the National Education Act (Mainland, 1978), the Zanzibar Education Act (1982), the Corporal Punishment Ordinance (1930), the Minimum Sentences Act (1963), the Sexual Offences (Special Provisions) Act (1998), the Penal Code (1981) and the Criminal Procedure Code (1985);

(b) Sensitize and educate parents, guardians and professionals working with and for children, particularly teachers, by carrying out educational campaigns and awareness-raising on the harmful effects of corporal punishment;

(c) Promote positive, non-violent and participatory forms of child-rearing and discipline in all settings, including through providing teachers and parents with training on alternative discipline measures.

Abuse and neglect

38. The Committee welcomes the framework for a comprehensive child-protection system set out by the Law of the Child Act and the Children's Act. However, the Committee reiterates its concern over the high prevalence of child abuse and neglect, including severe forms of abuse, such as burning with fire. The Committee also expresses its concern over the reduced allocation of resources to protection against abuse and neglect, the limited numbers of social welfare officers, and the low levels of reporting of abuse, in particular in rural and remote areas.

39. **The Committee recommends that the State party:**

(a) Ensure the allocation of adequate human, technical and financial resources to the Department of Social Welfare and the Ministry of Health and Social Welfare in the Mainland and in Zanzibar to also address the root causes of violence and abuse;

(b) Expand and strengthen awareness-raising and education programmes, including campaigns, with the participation of children, in order to formulate a comprehensive strategy for preventing and combating child abuse;

(c) Establish a national database on all cases of domestic violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence, including through mandatory reporting;

(d) Encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect, including by promoting awareness of the harmful effects in both the short and the long term, with the participation of former victims, volunteers and community members, and providing them with training;

(e) Ensure that children have access to a child-friendly, accessible and confidential mechanism for reporting abuse.

Sexual exploitation and abuse

40. The Committee expresses serious concern regarding the physical and sexual violence against children in the State party, including in schools or on the way to and from school, as well as sexual exploitation, including the sexual exploitation of girls, particularly in mining areas. The Committee notes with concern:

(a) Reports of sexual violence and abuse carried out by teachers, and the lack of disciplinary or criminal investigation of teachers for professional misconduct;

(b) Limited access to psychological services for child victims of sexual violence;

(c) Reluctance of girl victims of sexual violence to report abuse and violence to the police because of the stigma surrounding child survivors of gender-based violence;

(d) Reports of cases of sexual, physical and emotional abuse by members of the police against girl victims of sexual exploitation under their protection.

41. **The Committee recommends that the State party take the necessary measures to ensure that all children vulnerable to and at risk of any form of sexual exploitation are provided with all the necessary assistance and protection. In particular, the Committee recommends that the State party:**

(a) Strengthen the promotion of zero tolerance of all forms of violence against children in schools, including sexual abuse, bullying and harassment;

(b) Ensure that victims of sexual exploitation and abuse have access to child-protection centres, and ensure that these are available throughout the country, particularly in rural areas;

(c) Continue to work with community police and gender and children's desks in a joint effort to combat violence against children;

(d) Organize awareness-raising programmes, including campaigns, particularly for children, parents and caregivers, in order to prevent the stigmatization of child survivors of sexual violence and abuse;

(e) Develop adequate systems of investigation of cases of sexual exploitation and promptly prosecute all cases of sexual violence and abuse of children.

Harmful practices

42. The Committee is deeply concerned about the persistence of forced and early marriages of girls, and to lesser extent of boys, in the State party, sometimes even before they reach puberty. Such early marriages tend to occur particularly in poor areas and are reportedly due to religious and customary laws. The Committee is also concerned that despite the Sexual Offences Special Provisions Act (1998) criminalizing all sexual activity with girls below the age of 18, marital rape is not prohibited once the married child reaches 15 years. The Committee also notes with concern that being married is one of the grounds for exclusion from school.

43. **With reference to general comment No. 18 (2014) on harmful practices, adopted jointly with the Committee on the Elimination of Discrimination against Women, the Committee urges the State party, in collaboration with civil society, to take firm measures, including in the legislation, to prevent and prohibit forced and child marriage and ensure that marital rape is criminalized. The Committee also recommends that the State party raise awareness among families, traditional and/or religious leaders and the general public and sensitize them about the negative consequences of child marriage and the importance of education. The Committee also encourages the State party to put in place an effective monitoring system to assess progress towards the eradication of child marriage.**

44. The Committee, while noting the National Plan of Action on Violence against Women, the criminalization of female genital mutilation (FGM) and the establishment of the National Secretariat on the Elimination of FGM, is concerned that FGM remains prevalent, especially in rural and traditional communities, and that women and girls have little understanding of the related risks. The Committee is particularly concerned about reports that FGM is increasingly performed at a very young age, including on babies.

45. **The Committee urges the State party to:**

(a) Disseminate the law criminalizing FGM among all relevant ministries, police officers, law-enforcement officials, teachers, religious and traditional leaders and the general public, particularly in rural communities;

(b) Ensure that all cases of FGM are promptly investigated and prosecuted and that victims have access to social and medical services;

(c) Strengthen the implementation of the National Plan of Action for Elimination of Female Genital Mutilation with the support of civil society organizations, including women's groups, and United Nations agencies;

(d) Establish protective mechanisms and services to safeguard girls at risk;

(e) Support a widespread and sustained public-education campaign against FGM, with the participation of persons performing FGM, to increase community awareness and discussion about the negative consequences of this and other harmful practices.

Freedom of the child from all forms of violence

46. The Committee welcomes the establishment of one-stop centres to provide immediate support to child victims of abuse. However, the Committee notes with concern that the State party's report lacks comprehensive statistical data on violence against children, including sexual violence, as well as data on investigations of perpetrators, prosecutions, convictions and penalties, and remedies available to victims.

47. **Recalling the recommendations of the United Nations 2006 study on violence against children (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee also recommends that the State party take into account general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and in particular:**

(a) Develop a comprehensive national strategy to prevent and address all forms of violence against children;

(b) Adopt a national coordinating framework to address all forms of violence against children;

(c) Pay particular attention to and address the gender dimension of violence;

(d) Cooperate with the Special Representative of the Secretary-General on Violence against Children and with other relevant United Nations institutions.

F. Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 and 2), 20, 21, 25 and 27 (para. 4))

Children deprived of a family environment

48. The Committee welcomes the measures taken to provide care and protection to children deprived of a family environment, in particular the adoption of regulations on foster care, children homes, adoption, retention homes, apprentices and child employment (2014). However, the Committee notes with concern that:

(a) The number of children living without parental care is reportedly increasing in the State party, with most living in elderly headed households, child-headed households, in institutional care and on the streets;

(b) A large number of children's homes in the State party are operating without registration or adequate inspection; and numerous cases of child abuse have been reported;

(c) Children continue to live in institutions without any review of the placement, contrary to the 2012 Children's Homes Regulations;

(d) The lack of alternative care services is mainly due to poor coordination.

49. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee recommends that the State party take the necessary measures to protect the rights of children deprived of a family environment and address their needs, and in particular:**

(a) Strengthen the support provided to biological families to prevent out-of-home placements;

(b) Prioritize the registration, certification and licensing of alternative-care centres;

(c) Establish a mechanism to independently monitor, review and inspect the situation of children entrusted to the care of family or community members, and facilities functioning as children's homes; and provide accessible channels for confidential reporting by children, and for monitoring and remedying maltreatment of children;

(d) Facilitate family-based care for children whenever possible and provide support to extended family networks and other community members who care for children deprived of their family environment and to child-headed households, with a view to reducing the institutionalization of children.

Adoption

50. Noting that cases of inter-country adoption, while rare, do exist, the Committee is concerned about the slow progress made towards ratifying the 1993 Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption.

51. **The Committee encourages the State party to ratify the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.**

G. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)

Children with disabilities

52. The Committee notes with appreciation the laws and policies to protect the rights of children with disabilities, including efforts to promote the enrolment of children with disabilities into mainstream education. However, the Committee notes with concern that:

(a) Throughout the country, children with disabilities are subjected to greater abuse, violence, stigma and exclusion, particularly in rural areas, and especially those children with intellectual and psychosocial impairments;

(b) Early diagnosis of the impairment and support are difficult to obtain, in particular for children from poor families;

(c) Parents are sometimes reluctant to report cases of and seek support for children with disabilities, in particular psychosocial impairments, because of the associated social stigma;

(d) Infrastructure in public places is not suitable for children with disabilities;

(e) Access to inclusive education and well-trained teachers is limited;

(f) Primary-school enrolment of children with disabilities is very low.

53. **In the light of article 23 of the Convention and of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and specifically recommends that it:**

(a) Strengthen the implementation of laws and policies relating to children with disabilities, including the National Disability Mainstreaming Strategy 2010-2015;

(b) Allocate sufficient resources and, in particular, establish a specific fund to implement the National Strategy on Inclusive Education;

(c) Expedite the establishment of the necessary infrastructure in public places to accommodate children with different disabilities;

(d) Work together with communities to develop a public-awareness strategy to challenge negative social and cultural beliefs and norms regarding children with disabilities.

Health and health services

54. While commending the State party on its comprehensive strategy to significantly reduce the under-5 mortality rate, the Committee is concerned about the insufficient allocation of financial resources to child health and, in particular, about:

(a) The persistent high maternal mortality and morbidity rates;

(b) The limited access to health-care services for children living in poverty and in remote and rural areas;

(c) The prevalence of chronic malnutrition leading to stunting, especially in the Mainland;

(d) The limited access to safe drinking water and sanitation.

55. **The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to health, and recommends that the State party:**

(a) Allocate sufficient financial and human resources to health services; in particular, access to trained care at delivery, improved antenatal care, improved care for newborns and during the neonatal period, and services for infants and preschool children at primary health centres;

(b) Establish more child and maternal health clinics and safe delivery services in order to reduce the distances mothers and pregnant women have to travel, and ensure the availability of trained health workers and the necessary equipment and medical supplies;

(c) Strengthen national strategies to address the critical nutritional needs of children, particularly among the most vulnerable groups, through targeted interventions;

(d) Improve access to safe drinking water and adequate sanitation facilities and ensure their sustainability, availability, sufficiency and affordability to all, particularly children;

(e) Implement the OHCHR technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);

(f) Seek the necessary technical assistance from entities such as OHCHR, UNICEF and the World Health Organization.

HIV/AIDS

56. The Committee notes with appreciation the efforts for the prevention, testing and treatment of HIV/AIDS undertaken by the State party; the efforts in Zanzibar to impart skills relating to reproductive health and HIV to young people and to offer youth-friendly services; and the National Guidelines for HIV Testing and Counselling (2013). However, the Committee remains concerned at the high rate of mother-to-child transmission and new HIV infections among girls and boys, in particular given the high rates of sexual violence and unprotected teenage sexual relations. The Committee is also concerned about reports that attitudes towards the sexual orientation of some HIV-infected children prevent these children from seeking and receiving proper HIV services and community health services.

57. **The Committee reiterates its recommendation that the State party strengthen its efforts to combat the spread and the effects of HIV/AIDS (CRC/C/TZA/CO/2, para. 49). In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party develop a road map to ensure the implementation of effective HIV/AIDS preventive measures, including focused interventions for adolescents. It calls on the State party to:**

(a) Strengthen efforts to prevent mother-to-child transmission of HIV;

(b) Improve follow-up treatment for mothers with HIV/AIDS and their infants, to ensure early diagnosis and the immediate initiation of treatment;

(c) Improve access to high-quality and age-appropriate health services for sexual and reproductive health and HIV/AIDS, including confidential services, particularly for adolescents;

(d) Ensure access to proper HIV services and community health services for all children, regardless of their sexual orientation, throughout the territory of the State party;

(e) Engage in public-education campaigns to combat discriminatory attitudes towards children on the grounds of their sexual orientation.

Adolescent health

58. The Committee welcomes the efforts made by the State party to improve adolescent health, including the adoption of the National Adolescent Reproductive Health Strategy of 2011-2015. However, the Committee is extremely concerned about the high number of teenage pregnancies, including those resulting from sexual abuse and rape. The Committee is also concerned that:

(a) Adolescents who become pregnant as a result of sexual violence have limited options and often resort to unsafe abortions, resulting in their death;

(b) Insufficient public resources are allocated to the provision of youth-friendly health services;

(c) Information about modern contraceptives and adolescent-friendly health services, including emergency care—available with or without parental consent—is lacking, particularly in rural areas;

(d) Parents, guardians and health-care providers have negative attitudes towards adolescent sexual and reproductive health issues.

59. **In the light of its general comment No. 4 on adolescent health and development, the Committee reiterates its recommendation and urges the State party to:**

(a) Take urgent measures to reduce maternal deaths relating to teenage abortions and ensure by law and in practice that the views of the child are always listened to and respected in abortion decisions;

(b) Adopt a comprehensive sexual and reproductive health education policy for adolescents, including sex education, inter alia making health education part of the school curriculum, and improve knowledge of and the availability of reproductive health-care services with a view to reducing teenage pregnancies and preventing HIV/AIDS and other sexually transmitted infections;

(c) Provide accessible, age-appropriate and adolescent-friendly health information and services for boys and girls, including confidential services, relating to sexual and reproductive health, with a focus on preventing pregnancy and making modern contraceptives available;

(d) Draw up and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and combat discrimination against them, as well as to address the high rate of teenage pregnancies through preventive action; and ensure that pregnant adolescents have easy access to confidential counselling and support;

(e) Take measures to raise awareness of and foster responsible parenthood and sexual behaviour, with particular attention to boys and men;

(f) Consider the OHCHR technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality (A/HRC/21/22).

H. Education, leisure and cultural activities (arts. 28-31)

Education, including vocational training and guidance

60. The Committee welcomes the recent policy statement that provides for free compulsory primary and secondary education. However, the Committee expresses concern about the State party's own evaluation that "formal education systems are unable to accommodate the growing demand", since the system still has insufficient schools, materials and qualified teachers. In particular, the Committee is concerned about:

(a) The fees and unofficial financial contributions still paid by parents of primary-and secondary-school students;

(b) The difficulties faced by some children, in particular those living in poverty and those in remote and rural areas, in accessing education, including the long walking distances from home to school and the absence of school-meal programmes;

(c) The geographical disparities in ensuring high-quality education;

(d) The rates of absenteeism and dropout, often due to the education provided not being adapted to the livelihoods of children and families involved in activities such as pastoralism, fishing, mining and farming;

(e) Difficulties related to poor infrastructure and inadequate budget allocations to education, including teacher shortages, and poor teaching and learning materials and environment;

(f) Parents' low awareness of the importance of education and school enrolment.

61. **The Committee encourages the State party to continue its efforts to increase school enrolment and recommends that it:**

(a) Ensure the full enrolment of all children in education, including those who may be excluded owing to the hidden costs of compulsory education, such as contributions for cleaning, study visits and extracurricular activities;

(b) Allocate sufficient resources to improve the geographic accessibility of schools and the quality of education;

(c) Adapt the education system to accommodate children and families whose livelihoods are based on pastoralism, fishing, mining and farming;

(d) Develop and promote high-quality vocational training to enhance the skills of children and young people, especially those who drop out of school;

(e) Improve the quality of teacher training, particularly in and for rural areas;

(f) Allocate sufficient financial resources for the development and expansion of early childhood education, based on a comprehensive and holistic policy of early childhood care and development.

62. While welcoming the policy adopted by the Ministry of Education and Vocational Training in the Mainland to allow the continuing education of girls after giving birth, the Committee regrets the State party's reservation to the African Youth Charter (2012) concerning continuing education for pregnant girls, and notes with concern that the State party has not revised provisions of the Education Act of Tanzania Mainland to explicitly prohibit the expulsion of pregnant girls from school. The Committee also remains concerned that the practice of mandatory pregnancy testing of girls as a pre-requirement for admission to school in the Mainland remains prevalent, as does the expulsion of pregnant girls from school.

63. **The Committee recommends that the State party take immediate measures to ensure the continued enrolment of girls who become pregnant during their school years and of adolescent mothers, and cease mandatory pregnancy testing. It also recommends that those girls who leave school because of pregnancy be supported and assisted in their re-enrolment and in the continuation of their education in mainstream schools. It calls on the State party to adequately disseminate that policy.**

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d) and 38-40)

Asylum-seeking and refugee children

64. While noting the efforts undertaken by the State party to operate programmes to combat sexual and gender-based violence in all refugee camps, the Committee is concerned about reports of frequent sexual and gender-based violence in Nyarugusu refugee camp,

including giving away a child, mainly a daughter, to pay a debt; forced marriage; and teenage pregnancy. The Committee is also concerned about the scarce opportunities for children, in particular long-term refugee children, to access education and develop life skills, and the insufficient assistance for unaccompanied children in the camps.

65. **The Committee reiterates its previous recommendation (CRC/C/TZA/CO/2, para. 60) that the State party improve the protection response and follow-up for cases of sexual violence concerning children. The Committee urges the State party to ensure the right of all children to education and to provide basic assistance for children without family in the camps. It also recommends that the State party continue seeking international assistance and the cooperation the Office of the United Nations High Commissioner for Refugees.**

Economic exploitation, including child labour

66. The Committee notes with appreciation the efforts undertaken by the State party to combat child labour, including the National Action Plan on Elimination of Child Labour (2009). However, the Committee notes with concern that enforcement of the existing legal framework and policies is weak, that the Plan is not implemented effectively and that children remain exposed to hazardous labour, especially in agriculture, artisanal mines and stone quarries, and to exploitation in domestic work. The Committee is also concerned about the limited availability of data on child labour, including in the informal sector.

67. **The Committee urges the State party to:**

(a) Ensure the effective implementation of the legal prohibition of hazardous child labour and mining work for any person under 18 years of age, including by allocating adequate resources;

(b) Ensure the implementation of the National Action Plan on Elimination of Child Labour, including through the use of appropriately trained labour inspectors and the application of the high penalties foreseen in legislation for those who exploit children;

(c) Ratify International Labour Organization Convention No. 189 (2011) concerning decent work for domestic workers;

(d) Continue to work with the International Programme on the Elimination of Child Labour of the International Labour Office;

(e) Take measures to address the socioeconomic factors contributing to child labour.

Children in street situations

68. The Committee notes with appreciation a number of initiatives such as the National Plan for addressing the issues of children living and working on streets (2014-2017) and the Community Based Strategic Plan to provide protection to children in street situations. Nevertheless, the Committee is concerned that the rate of implementation of these plans has been low because of the lack of adequate resources. The Committee is also concerned about the unavailability of national data on the prevalence of children living and working on the streets.

69. **The Committee recommends that the State party:**

(a) Carry out an in-depth study and a statistical analysis of the causes and extent of the issue of children in street situations in the State party;

(b) Develop a national strategy to support children in street situations and to address the socioeconomic and other root causes of the vulnerability of such children, as well as the violence they are sometimes exposed to at the hands of law-enforcement officials;

(c) Ensure the appropriate implementation of initiatives to provide these children with adequate nutrition, clothing, housing, health care and educational opportunities, especially informal education and life-skills training, in order to support their full development and return to their families and community, when this is in the best interests of the child;

(d) Provide, as appropriate, all child victims of physical, sexual and substance abuse with reintegration and recovery services.

Sale, trafficking and abduction

70. While welcoming the Anti-Trafficking in Persons Act (2008) and the establishment of its national advisory committee, the Committee notes with concern that the regulations for the implementation of the Act have not been published in the Official Gazette. The Committee is further concerned about:

(a) Persistent reports of trafficking of girls for domestic work, as well as increasing sexual exploitation and reports of trafficking of body parts;

(b) Insufficient resources for the implementation of the National Anti-Trafficking in Persons Action Plan 2013-2017, in particular for supporting victims of exploitation and trafficking;

(c) Lack of awareness of the problem of domestic and cross-border child trafficking for sexual exploitation.

71. **The Committee recommends that the State party expedite the publication in the Official Gazette of the regulations for the implementation of the Anti-Trafficking in Persons Act (2008) and that it:**

(a) Ensure the effective enforcement of relevant legislation, policies and programmes to combat trafficking in children and their body parts, including through the allocation of sufficient human and financial resources;

(b) Expand efforts to provide specialized training in combating trafficking in children to the judiciary, prosecutors, the police—particularly gender and children's desks—law-enforcement officials, social workers and other relevant professionals, and ensure that the training is available throughout the State party;

(c) Strengthen awareness-raising programmes, including campaigns, on trafficking, particularly in rural areas, border areas and areas of poverty;

(d) Ensure the protection of, and support services for, children who have been victims of trafficking, including the provision of shelters, a formal determination of the best interests of the child, and their rehabilitation and social integration;

(e) Address the root causes of trafficking, child labour and sexual exploitation, for example by increasing efforts to improve and expand access to education for both girls and boys, particularly for children in vulnerable situations.

Administration of juvenile justice

72. The Committee welcomes the State party's commitment to reforming the juvenile justice system and to establishing the Zanzibar Children's Court and the Mainland Juvenile Court. The Committee, however, remains concerned that children and their

parents/guardians are often unaware of their rights and how to engage in court proceedings. In particular, the Committee is concerned about:

(a) The lack of adequate legal-aid services for children in conflict with the law;

(b) The insufficient number of professionals with specialized training on juvenile justice;

(c) The lack of appropriate detention facilities in Zanzibar for persons under the age of 18;

(d) The long duration of pretrial detention of children, in most cases in adult prisons, and the fact that children serve their sentences in adult prisons;

(e) The use of corporal punishment as a judicial sanction;

(f) Cases of ill-treatment of children in police custody and reports that 30 per cent of children in prison have been physically or sexually abused.

73. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. The Committee encourages the State party to:**

(a) Ensure the provision of qualified and independent legal aid to children in conflict with the law at all stages of legal proceedings and expedite the adoption of the Legal Aid Bill;

(b) Increase the number of adequately trained professionals working in the juvenile justice system, designate specialized judges for children and ensure their appropriate education and training, and ensure sufficient specialized juvenile court facilities and procedures, with adequate human, technical and financial resources;

(c) Immediately remove children from adult detention facilities and ensure that their detention conditions are compliant with international standards, including with regard to access to education and health services;

(d) Expedite the investigation and trial process in cases involving children so as to reduce the number of children in pretrial detention and shorten their time in detention;

(e) Promote alternative measures to detention, such as diversion, probation, mediation, counselling or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible time and that it is reviewed on a regular basis with a view to withdrawing it;

(f) Abolish corporal punishment as a judicial sanction;

(g) Investigate allegations of violence and ill-treatment of children in police custody and detention;

(h) Make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, OHCHR, UNICEF and non-governmental organizations, and seek technical assistance in the area of juvenile justice from members of the Panel.

J. Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

74. The Committee welcomes the measures taken by the State party to criminalize acts relating to the sale of children, child prostitution and child pornography. Nevertheless, the Committee reiterates its concluding observations of 2008 on the State party's initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/TZA/CO/1).

75. **The Committee urges the State party to provide comprehensive information on the sale of children, child prostitution and child pornography in its next periodic report. It calls on the State party to research the root causes and extent of the commercial sexual exploitation of children, child sex tourism, the sale of children, child prostitution and child pornography, to identify children at risk, assess the extent of the problem and develop targeted policies and programmes.**

K. Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2008)

76. **The Committee recalls its previous recommendations to the State party under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/TZA/CO/1) and requests that the State party provide follow-up information in its next periodic report on the efforts undertaken to:**

(a) Explicitly prohibit and criminalize the recruitment and use of children under 18 in hostilities by armed forces, non-State armed groups and security companies;

(b) Ensure the effective implementation of the above-mentioned legislation;

(c) Ratify the Arms Trade Treaty (24 December 2014);

(d) Establish extraterritorial jurisdiction for violation of the provisions of the Optional Protocol on the involvement of children in armed conflict regarding the recruitment and involvement of children in hostilities committed by or against a person who is a citizen of or has other links with the State party, as required by article 4 of the Optional Protocol.

L. Ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure

77. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

M. Ratification of international human rights instruments

78. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Rights of All Migrant

Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

N. Cooperation with regional bodies

79. **The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of Children of the African Union on the implementation of children's rights, both in the State party and in other African Union member States.**

IV. Implementation and reporting

A. Follow-up and dissemination

80. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third to fifth periodic reports, the written replies of the State party to the list of issues and the present concluding observations be made widely available in the languages of the country.**

B. Next report

81. **The Committee invites the State party to submit its sixth periodic report by 9 January 2020 and to include in it information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten it. If the State party is unable to review and resubmit the report, translation of the report for the purposes of consideration by the treaty body cannot be guaranteed.**